

PATENT
Application of WESTON et al.
Ser. No. 09/476,935
Attorney Docket No. 3524/5

REMARKS

Claims 1–26 are pending in the application. The claims are rejected under 35 USC § 103 as unpatentable over Potter et al., US patent 5,787,402, in view of May, US patent 6,317,727, alone or in combination with other references. Applicants respectfully traverse. The cited references do not teach or suggest Applicants' claimed invention.

In order to support a finding of obviousness, a combination of references must suggest the desirability and thus the obviousness of making the combination when considered as a whole, and without the benefit of impermissible hindsight. See, e.g., *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136 (Fed. Cir. 1986), cited at MPEP 2141.01. Neither Potter nor May nor any of the other cited references suggest, for example, Applicants' claimed penalty box feature, or any desirability of such a feature. As explained in Applicants' response to office action filed herein November 29, 2002, the penalty box feature is a limitation of each of the rejected claims. For example, claim 1 includes the following limitation:

wherein the pre-set trading configurations include temporary restrictions on a specified trader set by a first trader to put the specified trader into a penalty box state.

The Examiner has conceded (at page 3 of the detailed action) that Potter et al. do not disclose the penalty box limitation, but contends that May teaches this feature at Col. 23, line 1, to Col. 24, line 33, and in the Abstract. Applicants respectfully traverse this finding. Reserving at this time comment on the teachings of Potter et al., Applicants note that Col. 23, line 1, to Col. 24, line 33, and the Abstract of May disclose a credit limit feature in which a credit line is decreased as trades are executed between parties, until, at the point at which there is little or no remaining credit extended between the parties, further trading between the parties is prevented until the trades settle or the credit limit is reset. This is not a penalty box feature as claimed by Applicants, and there is nothing in

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May, Potter, or any of the other cited references, considered alone or in combination, to suggest such a feature, or the desirability of such a feature.

Applicants' penalty box feature is described, for example, at page 20, lines 16 – 24; and page 31, lines 1 – 6, of the specification, as providing a customizable filter that may be set by a user to automatically but temporarily prevent undesirable traders, who may be specifically designated by the user, from engaging in trading activity with the user during a predetermined time period.

This is not the same as the credit filter feature taught by May. For example, a prevention of trading caused by the credit filter taught by May does not expire at the end of a predetermined period of time. Once trading has been prevented by the credit filter feature taught by May, the prevention continues until such time as completed trades settle or the credit limit is reset. The time required for trades to settle or for a credit limit to be reset is not predetermined, and neither the duration nor the onset of the trading Inhibition is generally in the control of either one of the traders. Thus the credit filter taught by May prevents trading for an undetermined time period, the length of which is controlled by other factors. Moreover, the May credit filter prevents trading only on the basis of credit conditions. May does not teach automatic but temporary restrictions set by users against selectable undesirable traders designated by the user.

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CONCLUSION

Applicants believe that they have fully responded to the Examiner's concerns and that the claims are in condition for immediate allowance. Applicants respectfully request reconsideration and immediate allowance of the claims.

Applicants request that any questions concerning this matter be directed to the undersigned at (212) 895-2906.

Respectfully submitted,



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